

# State of California



## Fair Political Practices Commission

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May 31, 1984

James C. Gross  
Nielson, Hodgson, Parrinello  
and Mueller  
1225 Eighth Street, Suite 550  
Sacramento, CA 95814

Re: Advice Letter No. A-84-143

Dear Jim,

This letter is to confirm my telephone advice to you on May 25, 1984. You stated that a political action committee's board of directors contains legislators who comprise a minority of the board. Your question was:

Is the committee "controlled" by the legislators within the meaning of Government Code Section 82016?<sup>1/</sup>

### DISCUSSION

Section 82016 provides that a candidate "controls" a committee if "he ... has a significant influence on the actions or decisions of the committee." A legislator who is a voting member of the governing board of a committee ordinarily will be considered to have a significant influence over the actions or decisions of a committee. Therefore, unless there are some unusual circumstances, the legislators on the board are "controlling candidates" who should comply with 2 Cal. Adm. Code Section 18430 (copy enclosed). For clarity, they may want to indicate on the committee's Statement of Organization and

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<sup>1/</sup> Hereinafter all statutory references are to the Government Code unless otherwise stated.

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campaign statements that they are part of the committee's board of directors.

Very truly yours,

*Janis Shank McLean*  
Janis Shank McLean  
Counsel  
Legal Division

JSM:plh  
Enclosure